

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:10-cr-222-03

v.

HONORABLE PAUL L. MALONEY

JOE LEWIS PARKER, JR.,

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Joe Lewis Parker, Jr. has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, the defendant is not eligible for a sentence modification. Defendant's sentence of 54 months is below the amended guideline range of 57 to 71 months. Absent a 5K motion by the government, U.S.S.G. § 1B1.10 does not permit the Court to go below the amended range. Therefore, Amendment 782 does not retroactively lower the defendant's sentencing guideline

range. Accordingly,

IT IS HEREBY ORDERED that Defendant Joe Lewis Parker, Jr.'s motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 455) is **DENIED**.

Date: June 17, 2015

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge